

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LIBERTY MUTUAL INSURANCE COMPANY  
and LIBERTY MUTUAL GROUP, INC.,

Plaintiffs,

-against-

MICHELLE WORDEN and BORRELLI  
PARTNERS INSURANCE AGENCY, LLC,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 1/4/19

No. 17 Civ. 08602 (NSR)  
OPINION & ORDER

NELSON S. ROMÁN, United States District Judge

Plaintiffs Liberty Mutual Insurance Company and Liberty Mutual Group, Inc. submit this motion for an extension of the preliminary injunction originally instituted on November 20, 2017. (ECF No. 21.) For the following reasons, Plaintiffs' motion is GRANTED.

**PROCEDURAL HISTORY**

Through this action, commenced on November 8, 2017, Plaintiffs seek to recover damages from and obtain injunctive relief against its former lead sales representative, Defendant Worden, and her new employer, Defendant Borrelli Partners Insurance Agency, LLC. (Compl. ¶ 1, ECF No. 8.) Plaintiffs allege that Defendants sold insurance policies or assisted in canceling or replacing Liberty Mutual insurance policies to those Prohibited Policyholders identified in Defendant Worden's Non-Solicitation, Non-Disparagement, and Confidentiality

Agreement. (*Id.* ¶ 2.) By consent of all parties, the Court issued a Preliminary Injunction on November 20, 2017 which enjoined Defendants from

- (1) selling or attempting to sell products or services of the type or kind offered by or through Liberty Mutual (hereinafter “Products/Services”) to any person, company or organization . . . to whom Worden previously provided any service . . . during the last twelve months of her employment with Liberty Mutual (hereinafter “Prohibited Policy Holders”);
- (2) contracting for the purpose of advising, inducing or assisting any Prohibited Policyholders to reduce, replace, lapse, surrender or cancel any insurance obtained from or through Liberty Mutual;
- (3) contracting or soliciting any Prohibited Policyholders and/or World Wide BMW of Spring Valley, NY . . .
- (4) [specific to Defendant Borrelli Partners] directly or indirectly[ ] aiding, and/or assisting Worden in any conduct in violation of [the above] . . .

(ECF No. 21.) The Preliminary Injunction was to remain in place until February 18, 2018 or until either the resolution of the litigation or an application to modify the Preliminary Injunction made prior to February 18, 2018. (*Id.*)

On February 16, 2018, two days before the expiration of the Preliminary Injunction, the parties filed a joint motion for an extension while the parties resolved discovery disputes and engaged in settlement discussions. (ECF No. 28.) The Court granted the motion and extended the Preliminary Injunction through March 12, 2018. (ECF No. 29.) On March 6, 2018, Plaintiffs filed a letter requesting a pre-motion conference in anticipation of their discovery motion relating to the sufficiency of Defendants’ responses to Plaintiffs’ interrogatories. (ECF No. 31.) A week later, on March 14, 2018, Plaintiffs filed a motion to extend the Preliminary Injunction in order to preserve the status quo while the parties complete discovery. (ECF No. 36.) Defendants oppose Plaintiffs’ motion, stating that Plaintiffs have not established the necessity for an

extension and that Plaintiffs are requesting the extension to delay the completion of discovery.  
(ECF No. 38.)

### **DISCUSSION**


The Court has issued an Order of Reference, referring this matter to Judge Judith C. McCarthy for pretrial purposes. Plaintiffs are directed to submit their letter request for a pre-motion conference in connection with Defendants' allegedly deficient discovery responses to Judge McCarthy. (ECF No. 31.) The Court will delay scheduling a Show Cause Hearing until after the Parties have completed discovery so that the Court will have access to all relevant information in determining whether the Preliminary Injunction should be further extended. The Court expects Parties to diligently pursue a prompt conclusion to discovery. Parties are directed to immediately notify this Court once discovery is completed so that the Court may schedule a Show Cause Hearing. In order to maintain the status quo while Parties complete discovery, the Court GRANTS Plaintiffs' motion to extend the Preliminary Injunction until the date of the Show Cause Hearing.

### **CONCLUSION**

Plaintiffs' motion to extend the Preliminary Injunction is GRANTED. The Clerk of Court is respectfully directed to terminate the motion at ECF Nos. 31 and 36.

Dated: January 4, 2019  
White Plains, New York

SO ORDERED:

  
NELSON S. ROMÁN  
United States District Judge